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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Mr. William Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

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Re: 5 GHz Unlicensed Data Communications Systems
RM-8648; RM-8653

Dear Mr. Caton:

Apple Computer, Inc. ("Apple") and Wireless Information Networks Forum ("WINForum") have filed separate petitions seeking allocations in the 5 GHz band for unlicensed data communications systems. While both of petitioners requested spectrum for next generation, multimedia unlicensed networks, the petitions differ in some respects with regard to the range of services contemplated and the specific bands to be allocated. Both organizations, however, have been working together to accommodate the different features of each proposal. While much work remains to be done, Apple and WINForum wish to report the areas of agreement to the Commission in the hope that the Commission can expedite allocation of 5 GHz frequencies.

Apple and WINForum agree that substantial allocations of unlicensed spectrum in the 5 GHz band are necessary to support networking for next generation wireless products. Apple has petitioned for an allocation of 5.15-5.3 GHz and 5.725-5.875 GHz, a total of 300 MHz, for an "NII Band." WINForum had petitioned for an initial allocation of 5.1-5.35 GHz, a total of 250 MHz, and had asked that sufficient contiguous spectrum be placed in reserve to meet its estimated requirements for a total of 388 MHz.

Apple and WINForum agree that the concept of very high data rate local systems and the concept of relatively longer range, so-called "community network" products are both necessary and desirable for next generation wireless products, and that sufficient, usable spectrum in the 5 GHz band must be allocated for them.

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Apple and WINForum also believe that, as long as sufficient, usable spectrum is allocated, the industry can develop technical rules, guidelines and methodologies that will allow community network systems and very high data rate systems to share the unlicensed band. In order to facilitate this sharing, some portions of the unlicensed 5 GHz band should be dedicated solely for the use of very high data rate systems. The petitioners have committed to work together, and with other interested parties, to develop the necessary policies and rules to maximize sharing of the band.

With respect to the amount of spectrum to be devoted to unlicensed use, Apple and WINForum believe that the initial spectrum requests in their petitions should be altered for two reasons. First, in light of comments by the NTIA and FAA, it has become apparent that the 5.1-5.15 GHz band is needed to meet expected MLS demands. WINForum has, therefore, modified its request to match the lower boundary of Apple's request, 5.150 GHz. Second, there is an increased need for spectrum for next generation wireless products, which Apple and WINForum believe can be met with an additional allocation of spectrum above 5.300 GHz to be shared with government radiolocation operations.

Apple and WINForum believe significant progress has been made to reach a consensus on allocation of spectrum in the 5 GHz band. At the same time, both organizations recognize that further discussions between the organizations, as well as with other interested manufacturers, developers, and users, are needed to develop workable technical regulations for the 5 GHz band.

In order to attract a broader range of interested industry and user members to assist in the development of the required rules and policies, the Commission should involve as many parties as possible. Accordingly, Apple and WINForum now urge the Commission expeditiously to issue a Notice of Proposed Rulemaking for 5 GHz unlicensed systems.

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Should any questions arise concerning the contents of this letter, please contact either James M. Burger at (202) 466-7088 (burger@apple.com) or Michael Senkowski at (202) 429-7249.

Respectfully submitted,

Apple Computer, Inc.

Wireless Information Networks
Forum

By: James M. Burger
James M. Burger
1667 K Street, NW, Suite 410
Washington, DC 20006
(202) 466-7088

Senior Director of Government
Affairs

By: R. Michael Senkowski
R. Michael Senkowski
of
WILEY, REIN & FIELDING
1776 K Street, NW
Washington, DC 20006
(202) 429-7000

Its Attorneys